

3. **Discovery Plan.** The parties jointly propose to the court the following discovery plan:

- (a) Discovery will be needed on:
All claims by Plaintiffs and all defenses by Defendants.
- (b) All Discovery commenced in time to be completed by March 31, 2006.
- (c) Maximum of 40 interrogatories by each party to any other party.
Responses due **30** days after service.
- (d) Maximum of 40 requests for production by each party to any other party.
Responses due **30** days after service.
- (e) Maximum of 20 requests for admission by each party to any other party.
Responses due **30** days after service.
- (f) Each party shall be allowed to take a maximum of 5 depositions.
- (g) Reports from retained experts under Rule 26(a)(2) due:
from Plaintiff by January 15, 2006.
from Defendant by February 15, 2006.
- (h) Supplementations under Rule 26(e) due no later than 30 days before the close of discovery.

4. **OTHER ITEMS**

- (a) The parties do not request a conference with the court before entry of the scheduling order.
- (b) The parties request a pretrial conference in July 2006.
- (c) All potentially dispositive motions should be filed by April 14, 2006.

(d) Settlement discussions have broken down. Dr. Geddes, who was making monthly payments of \$20,000, has stopped making any payments.

(e) In the event a settlement is not reached, the case should be ready for trial by August 1, 2006, and at this time is expected to take approximately one (1) day.

Respectfully submitted: January 5, 2006.

BURR & FORMAN, LLP

By: /s/ Heath A. Fite
James J. Robinson (ROB013)
Heath A. Fite (FIT011)
3100 Wachovia Tower
420 North 20th Street
Birmingham, AL 35203

and

Morton R. Branzburg, Esquire
Klehr, Harrison, Harvey, Branzburg & Ellers
260 S. Broad Street
Philadelphia, PA 19102
215-569-3007
Of Counsel

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on the 5th day of January, 2006, I electronically filed the foregoing with the Clerk of the Court using the ECF system which sent notification of such filing to all properly registered parties. I hereby certify that on the 5th day of January, 2006, I served the following by directing the same to their office addresses through first-class, United States mail, postage prepaid:

Raquel Gayle,
Registered Agent for OHCA
Powell Goldstein
1201 West Peachtree Street
14th Floor
Atlanta, GA 30309

Lloyd G. Geddes, Jr. MD
Oncology Hematology Centers of Atlanta, P.C.
465 Winn Way, Suite 231
Decatur, Georgia 30030

/s/ Heath A. Fite
Of Counsel